

December 16, 2021
 WEB SITE <http://macedontown.net>

The Regular Meeting of the Town Board is being held remotely in accordance with Executive Order 202.15 issued on June 2, 2020 by the Governor. The Town of Macedon held the Board meeting on December 16, 2021 at the Town Complex, 32 Main Street, Macedon NY and via Zoom was called to order by Supervisor Kim Leonard at 7:30 p.m.

Pledge of Allegiance.

Upon Roll Call, the following members of the Board were

Present:

Councilperson	Bruce Babcock
Councilperson	David Maul
Councilperson	David McEwen
Councilperson	Richard Roets
Supervisor	Kim V. Leonard

Absent

Also Present:

Police Chief	John Colella
Police Sergeant	Stephen MacNeal
Town Clerk	Karrie Bowers
Town Engineer	Scott Allen

RESOLUTION NO. 274 (2021) APPROVAL OF MINUTES

RESOLVED the Board approves the minutes from the November 18, 2021, (regular meeting)
 MOTION BY ROETS, SECONDED BY MCEWEN
 ROLL CALL VOTE: BABCOCK AYE, MAUL AYE, MCEWEN AYE, ROETS AYE, LEONARD AYE,
 MOTION CARRIED

Reports:

- Town Clerk Report
- Police Report

RESOLUTION NO. 275 (2021) APPROVAL OF REPORTS

RESOLVED the reports be approved as submitted
 MOTION BY BABCOCK, SECONDED BY ROETS
 ROLL CALL VOTE: BABCOCK AYE, MAUL AYE, MCEWEN AYE, ROETS AYE, LEONARD AYE,
 MOTION CARRIED

RESOLUTION NO. 276 (2021) LABELLA GRANT ASSISTANCE AGREEMENT: FISCAL YEAR 2022

RESOLVED the Town Board authorizes the Supervisor to sign the 2022 Grant Assistance Agreement not to exceed \$25,000 to be expensed from A1440.403
 MOTION BY MAUL, SECONDED BY MCEWEN
 ROLL CALL VOTE: BABCOCK AYE, MAUL AYE, MCEWEN AYE, ROETS AYE, LEONARD AYE,
 MOTION CARRIED

RESOLUTION NO. 277 (2021) SPECIAL USE PERMIT RENEWALS – 2022

RESOLVED upon the recommendation of the Town Engineer that the following Special Use Permits are renewed for the Calendar year 2022 and will expire December 31, 2022 and that all prior conditions will be met as required in 2021:

A. E. Y. Enterprises – 1607 Commons Parkway
 A & P Auto Parts – 2384 Creek Road
 AT&T – 2285 Walworth Road
 Abundant Solar Power – 644 Route 31
 Alpcos – 846 Macedon Center Road (Route 31F)
 CRH/Stillwater Nursery – 1095 Quaker Road
 Capital Telecom – 2640 West Walworth Road
 Crown Atlantic – 1820 Macedon Center Road
 Dezio, Bryan – 1214 Victor Road
 Graf, Mark – 2075 Macedon Center Road
 INDUS Hospitality Group – 362 Route 31
 JT's Drive-In Car Shop – 688 Frey Road
 Lakeview Health Services – 1950 Route 31
 Macedon Landscaping – 1711 Wayneport Road
 Morrison Excavating – 740 Quaker Road
 Morrison, Roger – 2062 Magog Road
 Pal-Mac Service Center – 1910 Route 31
 Prime Development – 1241 Route 31
 Pulcini, Walter – 2461 Quaker Road
 Ricci & Sons Auto Repair & Towing – 665 Route 31F
 Rochester Aero Modeling Society – 2529 Macedon Center Road
 SBA – 1382 Wilson Road
 Stonewall Diesel – 311 Route 31
 True North Tractor – 2168-2179 Canandaigua Road

Twilight on the Erie – 1100 Marina Parkway
 VanHout, Gerald – 1508 Alderman Road
 Wayne County Chapter of NYSARC, Inc. – 927 Victor Road

MOTION BY MAUL, SECONDED BY ROETS

ROLL CALL VOTE: BABCOCK AYE, MAUL AYE, MCEWEN AYE, ROETS AYE, LEONARD AYE,
 MOTION CARRIED

RESOLUTION NO. 278 (2021) MINING PERMIT RENEWALS – 2022

RESOLVED the Board approves the following Mining Permits subject to any and all requirements deemed necessary by the Town Engineer and shall expire December 31, 2022.

AEY – Daansen Road
 Dendis Sand & Gravel – Macedon Center & Daansen Roads
 Eastern Sand & Gravel – Walworth Road
 McPherson, Donald – Route 350
 Pulcini, Walter – Quaker Road
 Smith, Gregory – Walworth Road

MOTION BY ROETS, SECONDED BY MCEWEN

ROLL CALL VOTE: BABCOCK AYE, MAUL AYE, MCEWEN AYE, ROETS AYE, LEONARD AYE,
 MOTION CARRIED

RESOLUTION NO. 279 (2021) MPA AGREEMENT

RESOLVED the Town Board authorizes the Supervisor to sign the MPA 5-year agreement effective 1/1/2022-12/31/2026.

MOTION BY MAUL, SECONDED BY ROETS

ROLL CALL VOTE: BABCOCK AYE, MAUL AYE, MCEWEN AYE, ROETS AYE, LEONARD AYE,
 MOTION CARRIED

RESOLUTION NO. 280 (2021) NYPA LED SL MAINTENANCE AGREEMENTS

RESOLVED the Town Board authorizes the Supervisor to sign the Street Lighting Agreements for NYPA LED SL subject to Town Attorney approval.

MOTION BY MAUL, SECONDED BY MCEWEN

ROLL CALL VOTE: BABCOCK AYE, MAUL AYE, MCEWEN AYE, ROETS AYE, LEONARD AYE,
 MOTION CARRIED

RESOLUTION NO. 281 (2021) SON'S OF THE AMERICAN LEGION PHILIP STEIGER POST SQUADRON #494

GAMES OF CHANCE – BELL JAR

RESOLVED the Board approves the Games of Chance License for the Sons of the American Legion Philip Steiger Post Squadron #494 to conduct Bell Jar for the period of January 1, 2022 – December 31, 2022

MOTION BY ROETS, SECONDED BY BABCOCK

ROLL CALL VOTE: BABCOCK AYE, MAUL AYE, MCEWEN AYE, ROETS AYE, LEONARD AYE,
 MOTION CARRIED

RESOLUTION NO. 282 (2021) PERSONNEL – HIGHWAY DEPARTMENT – CAVALLARO

RESOLVED the Town Board authorizes the Highway Superintendent, Christopher Countryman, to hire Joseph Cavallaro as a full-time highway employee at a rate of \$20.75/hr effective December 20, 2021.

MOTION BY MAUL, SECONDED BY ROETS

ROLL CALL VOTE: BABCOCK AYE, MAUL AYE, MCEWEN AYE, ROETS AYE, LEONARD AYE,
 MOTION CARRIED

RESOLUTION NO. 283 (2021) ASSESSING REVIEW BOARD MEMBER REAPPOINTMENT – PITTINARO

RESOLVED the Board reappoints Patrick Pittinaro to the position of Assessing Review Board Member effective October 1, 2021 – September 30, 2026.

MOTION BY MAUL, SECONDED BY BABCOCK

ROLL CALL VOTE: BABCOCK AYE, MAUL AYE, MCEWEN AYE, ROETS AYE, LEONARD AYE,
 MOTION CARRIED

RESOLUTION NO. 284 (2021) ENVIROPEST AGREEMENT

RESOLVED the Town Board authorizes the Supervisor to sign the 2022 EnviroPest Pest Protection Agreements.

MOTION BY MAUL, SECONDED BY ROETS

ROLL CALL VOTE: BABCOCK AYE, MAUL AYE, MCEWEN AYE, ROETS AYE, LEONARD AYE,
 MOTION CARRIED

RESOLUTION NO. 285 (2021) STANDARD WORK DAY AND REPORTING RESOLUTION

BE IT RESOLVED, that the Town of Macedon hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Elected Officials					
Board Member	McEwen, David J.	6.5	01/01/2021-12/31/2025	N	4.00
Board Member	Babcock, Bruce	6.5	01/01/2021-12/31/2025	N	4.00
Highway Superintendent	Countryman, Christopher	8	01/01/2019-12/31/2023	N	20.00
Receiver of Taxes & Assessments	Maul, Lorie D.	6.5	12/01/2019-12/31/2023	N	N/A
Town Clerk	Bowers, Karrie M.	6.5	01/01/2019-12/31/2023	Y	20.00
Appointed Officials					
Ambulance Director	Harkness, Paul	8	1/1/2021-12/31/2021	Y	N/A
Ambulance Assistance	Farbizio, Sandra	8	1/1/2021-12/31/2021	Y	N/A
Assessing Review Board	Reid, John	6.5	10/01/2018-09/30/2023	N	2.00
Assessing Review Board Clerk	Leeson, Dennine	6.5	01/01/2019-09/30/2025	Y	N/A
Bookkeeper	Miller, Wendy	6.5	01/01/2021-12/31/2021	Y	N/A
Building & Zoning Clerk	Nisbet, Stacy	6.5	01/01/2021-12/31/2021	Y	N/A
Court Clerk	Burley, Alison	6.5	01/01/2021-12/31/2025	Y	N/A
Court Clerk	LaBrake, Barbara K.	6.5	01/01/2019-12/31/2023	Y	N/A
Deputy Town Clerk	Monachino, Paul	6.5	01/01/2019-12/31/2023	Y	N/A
Dog Control Officer	Plyter, Mark E.	6.5	01/01/2021-12/31/2021	Y	N/A
Highway Clerk	Friedl, Elisa	6.5	01/01/2019-12/31/2023	Y	N/A
Planning Board Member	Bartels, Merton E.	6.5	01/01/2017-12/31/2024	N	2.00
Planning Board Member	Rooney, Kevin	6.5	01/01/2018-12/31/2025	N	2.00
Town Engineer	Allen, Scott	6.5	01/01/2021-12/31/21	Y	N/A

MOTION BY ROETS, SECONDED BY MAUL
 ROLL CALL VOTE: BABCOCK AYE, MAUL AYE, MCEWEN AYE, ROETS AYE, LEONARD AYE,
 MOTION CARRIED

RESOLUTION NO. 286 (2021) LYONS NATIONAL BANK

RESOLVED the following employees/ elected officials have signing privileges at Lyons National Bank:

Town of Macedon Accounts as of 12/16/2021	
Account Description	Current Signers
Judge Lon Sanford	Kim V. Leonard, Lon Sanford

MOTION BY BABCOCK, SECONDED BY MCEWEN
 ROLL CALL VOTE: BABCOCK AYE, MAUL AYE, MCEWEN AYE, ROETS AYE, LEONARD AYE,
 MOTION CARRIED

7:40 WASTE MANAGEMENT 5-YEAR RENEWAL SPECIAL USE PERMIT

RESOLUTION NO. 287 (2021) WAIVE OF READING OF THE LEGAL NOTICE

RESOLVED the Board waives the reading of the legal notice published in the December 5, 2021 issue of the Times.

MOTION BY ROETS, SECONDED BY MCEWEN
 ROLL CALL VOTE: BABCOCK AYE, MAUL AYE, MCEWEN AYE, ROETS AYE, LEONARD AYE,
 MOTION CARRIED

Public hearing is now open for public comment

Jeff Richardson from Waste Management stated that the SUP renewal request is in its third renewal request and that everything is the same in the Special Use Permit.

A resident on Macedon Center Rd stated that she opposes this renewal.

A resident on Wayneport Rd asked why there is so much garbage that comes in from NYC as well as the smell is so strong and he would like to understand better why and what could be done about that so that there could be some sort of resolution regarding the strong smell.

A resident had sent an email to the Town Clerk who forwarded to the Board asking the following questions:

Can the Macedon Town Board build into the Host Community Agreement to protect the residents, its citizens, for the following:

1. Nuisance odors including fugitive emissions of landfill gas, garbage smells, and excessive masking odors that trespass onto our personal
2. Property devaluation due to proximity to the landfill given its projected height and scall which will dwarf the southwest corner of our town. Will there be tax assessment relief for those impacted?
3. Contamination (air, water, etc.) of the Erie Canal corridor which is a major outdoor recreation area that built our town.

Specifically, in which agreement will Macedon Town Board include clauses that provide recourse and remedy from the impacts to our property, detailing timeframes for compliance that would require modification to operating procedures. The intention is to incent continuous compliance. This should be to require compliance with all DEC regulations on issues including daily cover, interim cover, landfill gas escapes, operations, etc.

Can educated and motivated community members provide additional assistance in crafting these agreements?

Finally, what is the role of our community reporting in terms of metrics of compliance?

The Town Board thanked her for her questions and concerns regarding the special use permit.

A resident spoke about the smells from the landfill and how they can smell all the way on Rt. 31. The resident stated that if the landfill can be smelled on Rt. 31 then she feels for the residents that are close to the landfill and having to smell it all day every day.

A resident spoke about concerns that on Canandaigua Rd. she has been having issues with rats.

The public hearing is closed

RESOLUTION NO. 302 (2021) PUBLIC HEARING IS CLOSED

RESOLVED that the Public Hearing be closed at 8:34 p.m.

MOTION BY ROETS, SECONDED BY MCEWEN

ROLL CALL VOTE: BABCOCK AYE, MAUL AYE, MCEWEN AYE, ROETS AYE, LEONARD AYE, MOTION CARRIED

8:00 PUBLIC HEARING – LOCAL LAW NO. 2 (2021)

RESOLUTION NO. 299 (2021) WAIVE OF READING OF THE LEGAL NOTICE

RESOLVED the Board waives the reading of the legal notice published in the December 5, 2021 issue of the Times.

MOTION BY ROETS, SECONDED BY MCEWEN

ROLL CALL VOTE: BABCOCK AYE, MAUL AYE, MCEWEN AYE, ROETS AYE, LEONARD AYE, MOTION CARRIED

Public hearing is now open for public comment, having heard no public comment,

The public hearing is closed

RESOLUTION NO. 300 (2021) PUBLIC HEARING IS CLOSED

RESOLVED that the Public Hearing be closed at 8:03p.m.

MOTION BY ROETS, SECONDED BY MCEWEN

ROLL CALL VOTE: BABCOCK AYE, MAUL AYE, MCEWEN AYE, ROETS AYE, LEONARD AYE, MOTION CARRIED

RESOLUTION NO. 301 (2021) LOCAL LAW NO. 2 (2021) ADOPTED

A LOCAL LAW RESCINDING LOCAL LAW NO. 1 (2021) OF THE YEAR 2021 RELATING TO THE OVERRIDE OF THE TAX LEVY LIMIT FOR FISCAL YEAR 2022 PURSUANT TO GENERAL MUNICIPAL LAW §3-C

IT IS HEREBY ENACTED by the Town Board of the Town of Macedon as follows:

SECTION 1. TITLE

This local law shall be known and cited as "Town of Macedon Local Law No. 2 (2021) of the year 2021 rescinding Local Law No. 1 of the year 2021 Overriding the Tax Levy Limit for Fiscal Year 2022 pursuant to General municipal Law §3-C.

SECTION 2. LEGISLATIVE INTENT

The Town Board adopted Local Law No. 1 (2021) which Local Law Override the tax levy limit for fiscal year 2022 pursuant to General Municipal Law §3-C. This Local Law was enacted as a precautionary measure. The Town Board has determined that as a result of the 2021 budget process for the budget for 2022 will be kept within the tax levy limit as provided in General Municipal Law §3-C. Accordingly, in order to ensure that the qualifying taxpayers of the Town of Macedon received their rebates from New York State granted to qualified taxpayers within municipalities that stay within the tax cap the Town Board needs to rescind Local Law No. 1 (2021) of 2021.

SECTION 3. AUTHORITY

This local law is adopted pursuant to General Municipal Law §3-C and to the provisions of the Municipal Home Rule Law.

SECTION 4. RESCISSION OF LOCAL LAW NO. 1 (2021) OF 2021

Local Law No. 1 (2021) of 2021 adopted on 9/23/2021 and filed in the office of the Department of State on 9/30/2021 hereby is rescinded.

SECTION 5. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the Office of the New York State Department of State in accordance with Section 27 of the Municipal Home Rule.

MOTION BY BABCOCK, SECONDED BY ROETS

ROLL CALL VOTE: BABCOCK AYE, MAUL AYE, MCEWEN AYE, ROETS AYE, LEONARD AYE,
MOTION CARRIED

RESOLUTION NO. 303 (2021)

RESOLVED the Town Board authorizes Energetix to be the Town of Macedon Clearinghouse Management Team.

MOTION BY ROETS, SECONDED BY BABCOCK

ROLL CALL VOTE: BABCOCK AYE, MAUL AYE, MCEWEN AYE, ROETS AYE, LEONARD AYE,
MOTION CARRIED

RESOLUTION NO. 304 (2021) PAYMENT OF CLAIMS

RESOLVED the bills be paid as audited.

MOTION BY MCEWEN, SECONDED BY ROETS

ROLL CALL VOTE: BABCOCK AYE, MAUL ABSTAIN, MCEWEN AYE, ROETS AYE, LEONARD AYE,
MOTION CARRIED

ABSTRACT NO. 24 (2021)

2021 # 1692-1835	\$499,161.96
2021 # 111-117	\$ 19,104.18

Total	\$518,266.14
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RESOLUTION NO. 305 (2021) EXECUTIVE SESSION

RESOLVED the Board enters Executive Session at 9:10 p.m. to discuss personnel/contracts

MOTION BY ROETS, SECONDED BY BABCOCK

ROLL CALL VOTE: BABCOCK AYE, MAUL ABSTAIN, MCEWEN AYE, ROETS AYE, LEONARD AYE,
MOTION CARRIED

Declared out of executive at 10:10pm

RESOLUTION NO. 306 (2021) I. GORDON REALTY, INC.

WHEREAS, I. Gordon Realty, Inc. and the Town entered into a Lease Agreement dated as of July 16, 2020 for approximately 0.1 acres of land and a building, located at and identified as 1900 Route 31, Macedon, New York, Tax Map Identification Number 63111-00-214894.1 (the "Premises"); and

WHEREAS, the Lease Term expired as of December 31, 2020 and the Town has continued to lease the Premises on a month-to-month basis since January 1, 2021, with monthly rent in the amount of \$416.66; and

WHEREAS, the parties entered into a Purchase and Sale Agreement, whereby I. Gordon Realty, Inc. agreed to replace the roof and convey the Premises to the Town in exchange for consideration of \$94,762;

WHEREAS, the roof was replaced during November of 2021;

WHEREAS, because I. Gordon's appraiser has determined that the value of the Premises exceeds the consideration, I. Gordon has requested that the Town execute Internal Revenue Service Form 8283, for the limited purpose of certifying that the Town is a qualified organization under 26 U.S.C. § 170(c), eligible to receive a charitable contribution; and now, therefore,

BE IT RESOLVED, the Town Board hereby accepts the conveyance of the Premises from I. Gordon, for consideration of \$94,762; and

BE IT FURTHER RESOLVED, the Town Board hereby authorizes the Town Supervisor to execute all documentation necessary to effectuate the conveyance of the Premises to the Town and the recording of the same, at a closing time mutually agreed upon by the parties; and

BE IT FURTHER RESOLVED, the Town Board hereby authorizes the Town Supervisor to execute Internal Revenue Service Form 8283, for the limited purpose of certifying that the Town, as donee, is a qualified organization under 26 U.S.C. § 170(c); and

BE IT FURTHER RESOLVED, all payments for the consideration shall be from surplus funds.

BY ORDER OF THE TOWN BOARD
TOWN OF MACEDON

Karrie Bowers, Town Clerk

Dated: December 16, 2021

MOTION BY ROETS, SECONDED BY MCEWEN

ROLL CALL VOTE: BABCOCK AYE, MAUL AYE, MCEWEN AYE, ROETS AYE, LEONARD AYE,
MOTION CARRIED

2022 ORGANIZATIONAL MEETING

RESOLVED the Town Board sets the 2022 Organizational meeting for January 4, 2022 at 5:00pm.

MOTION BY BABCOCK, SECONDED BY ROETS

ROLL CALL VOTE: BABCOCK AYE, MAUL AYE, MCEWEN AYE, ROETS AYE, LEONARD AYE,
MOTION CARRIED

MOTION BY ROETS, SECONDED BY MCEWEN, THE MEETING BE ADJOURNED AT 10:34PM.

Karrie M. Bowers

Karrie M. Bowers, Town Clerk RMC